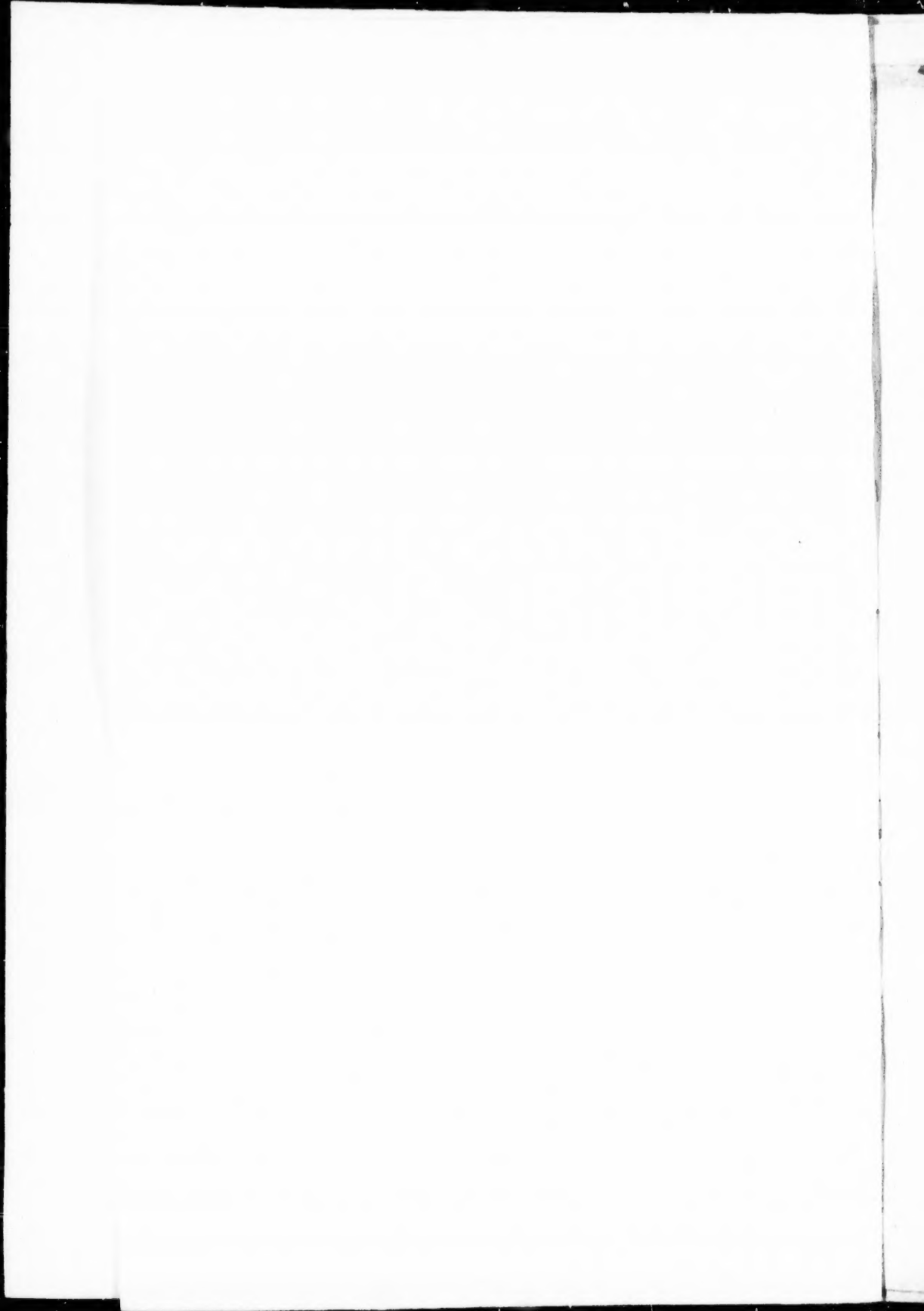




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SHALL WE KEEP

THE CANADAS?

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SHALL WE KEEP THE CANADAS?

It is not intended to enter upon the question which for some years past has agitated the public mind, the comparative merits or demerits of Free Trade. Its advocates have rapidly gained ground until we have at length reached a new era.

The policy of our ancestors, which took as its motto, ships, colonies, and commerce, and which sought, by the conservation of British interests and the protection of colonial enterprise and industry, to promote the prosperity of the empire, has of late been denounced as the result of short-sighted ignorance; and if the nation has reached an unexampled height of power, we learn that it is in spite and not by force of the commercial and colonial system we have so long proudly and confidently maintained.

The subject to which it is proposed to draw attention, is the present state of the North American Colonies, in the altered circumstances in which they are placed under the views which have recently found favour in the eyes of the legislature, not the soundness of the views themselves: and I propose, further, to consider the internal changes lately introduced under the title of Responsible Government.

That the greatness of England is intimately connected with the maintenance of her colonial empire, has been generally though not universally acknowledged, and the cautious avoidance of the topic in the late Corn Law Repeal demonstration at Manchester, sufficiently proves that the public mind is not *yet* considered in a fit state to receive the declaration, that our colonies are to be got rid of, though the organs of the Manchester school are industriously engaged in preparing it for such an announcement.

The sentiment will as yet receive no general response in England; on the contrary, a proposition to abandon our colonial dependencies would be looked upon as a blow aimed at the maritime supremacy of these islands.

But it is not the less certain that events may be rapidly tending to a consummation which would at any other time startle the nation like a clap of thunder, and which, notwithstanding

that the convulsions of thrones and dominions in continental Europe have deprived men of the power of wondering at anything, would yet inflict a painful shock and lay the foundation of lasting though fruitless regrets.

The North American Colonies have grown up under a system supposed to be mutually beneficial, by which the productions of the mother-country were entitled to a preference over those of foreign countries in the colonial market, while the discriminating duties imposed on foreign traffic seemed to the colonies a reciprocal advantage in the ports of this country, the intercourse between the two countries as well as the foreign trade of the colonies was regulated by the acts of the imperial parliament. The metropolitan government maintained a general control over the affairs of each colony, and the powers of the local legislatures were proportionably restricted.

Whatever views may be entertained of the system of which the foregoing formed the prominent features, faulty and defective as in many respects it undoubtedly was, it nevertheless preserved essentially the kindred relation between the parent state and its dependencies. The colonies, though they might at times feel a little sore at an interference or restriction of the imperial government, and with more or less of reason occasionally complain; yet on the whole,

for many years past, have felt a general confidence in the kindly disposition entertained towards them. The acknowledged misgovernment which tended with other causes to sunder from the crown the old American colonies now forming the flourishing republic of the United States, has been in a small measure corrected. Every idea of taxing the colonies which remained in a body when they are not represented has long since been abandoned, and in general a liberal policy has been pursued towards them. The present North American Colonies, peopled as they are with the descendants of the old refugees, whom a successful revolution drove from their native homes, and receiving continual accessions by the settlement within their limits of men of sound principles and intelligence, many of whom had previously served in the army or navy, contain within them a population inferior to none within the British dominions in point of attachment to the government of Great Britain. That their loyalty is no empty boast was abundantly manifested in the war with the United States of 1812, and in the recent outbreak of the French population in Lower Canada, and the rising which, fomented and increased by foreign influence, took place in the upper Province, and which was suppressed by the provincials themselves without the aid of the military.

Such until a very recent period was the condition of these colonies, but a new state of things has arisen. Commercial protection has been to a great extent withdrawn, and its entire removal is threatened. In lieu thereof, the right to levy any amount of duties has been freely conceded, coupled, however, with the condition that all imported goods shall be treated alike. Hence the reverse of the former course is now the rule; and discrimination in favour of articles, the growth or manufactures of the mother-country, over those of foreign countries, is equally prohibited as a preference of the foreign articles British productions. This measure, therefore, is not only a renunciation on the part of England of any special advantage from the trade with her colonies, but the effect of it is, imperatively to require the colony to regard and deal with the mother-country as a foreign state; or, in other words, a policy is adopted enforcing mutual estrangement, while the proximity of the United States will, *cæteris paribus*, most inevitably attract thither the trade of the North American Colonies, so far as regards trade.

Let us now turn to the political constitution of the Colonies :—

Responsible Government, as it is termed, has been established, and the colonial people have been flattered with the idea that they have had

conferred on them the boon of an English constitution. Never was a grosser delusion, and never was it more necessary that a delusion should be exposed. In parliament, the great question seems to be in reference to any given colony, has it representative institutions and responsible government? If so, it is supposed to have obtained the grand panacea for all evils. All future concerns, either of the colonial office, or parliament, is rendered unnecessary, and all must go on as it should. The world is very apt to be misled by names, and responsibility is doubtless a good thing. But let us examine the subject a little more closely.

The present constitution of the North American Colonies is an anomaly. It is true, there is a shadowy resemblance to the institutions of England, and each of the three branches of the legislative body has its appropriate representation. So far as names go, the colonial constitution is quite orthodox, but when its different parts are examined the analogy will be found wholly unreal.

In England we have the Queen, Lords, and Commons. In the Colony, the Governor, (or Lieutenant-Governor,) Legislative Council and Assembly. Let us compare the transatlantic copy with the English prototype.

I. At the head of the English constitution is

an hereditary monarch. The centre of a mighty nation; powerful with all that rank the most exalted, time-honoured associations, and ample revenues can confer. From the fundamental maxim that the sovereign can do no wrong, whatever policy may be pursued, whether congenial to the feelings of the nation or the reverse, the position of the sovereign is unalterable, except in those rare and extreme cases to which it is unnecessary to refer. The Queen continues unmoved, however the ministration of affairs may be condemned.

Her Majesty is represented in the colony by a nobleman, or gentleman, selected by the colonial minister. He, it is true, occupies the colonial palace, comes down in state, takes his seat on the throne, opens and prorogues the provincial parliament according to approved parliamentary usage, communicates with it by message through a provincial minister. But the nominee of a colonial secretary, himself holding his office by the precarious tenure of public favour, occupies a very different position from the sovereign. He is, according to the present system, appointed for six years, but removable at any time. It is quite clear that whatever the influence, superior talents or eminence of character in the individual selected may command, he has no independent position. He

receives his instructions from the colonial minister of the day, whatever may be the politics of that functionary. He is directed to proceed by the advice of the colonial council, whom he is to call to his assistance. As far as regards the ministry at home, he is a kind of diplomatic agent, while in regard to the colony he is invested with the attributes of the crown. His great object must be to reconcile the policy of the government which sends him with the opinions of his colonial ministry, to make all things work smoothly. Above all, to present no assailable point in the administration of his charge to parliamentary attack; as to the rest, to let the affairs of the colony proceed according to the opinion of the dominant party in his colonial assembly. Confining myself for the present to the truth of the analogy between the two systems, and without stopping to consider the value of the substitute for the kingly power in the abstract, it may be observed that though these duties present a field for the exercise of considerable talent, it is rather the talent of a skilful negotiator that is demanded, who must depend more on his tact and adroitness than his authority. In the position of an officer, appointed from home, and whose term of service is thus limited within very narrow bounds, though there is much to stimulate exertion, and a fair field for

honourable ambition, yet in the eyes of the colonists two grand defects are manifest. Wanting as he necessarily must the peculiar and indescribable prestige of royalty, he can never be regarded as the father of his people. First, inasmuch as his authority partakes of the evanescent character of that of the minister, whose agent in effect he is; and, secondly, because *à priori* there is nothing to identify the particular interests of the colony with these of the Governor. He is in general an entire stranger, and without any stake in the country.

II. The Peers of England are a body *per se*, powerful from their great wealth, and vast territorial possessions, from the remote origin of their titles, many of which the people have been accustomed to reverence for centuries; holding hereditary station of which they can never be deprived, except for misconduct, and which they can never surrender. A body like this forms an effectual bulwark against prerogative on the one hand, and popular power on the other.

The body which answers to the second branch of the English parliament is the legislative council, no way distinguishable by birth or rank from the rest of their fellow-subjects, with no claims, therefore, to respect, as a class, beyond those which their legislative appointment may be supposed to confer, having no hereditary title

to the honour they enjoy, to which they are appointed in some instances for life, but more generally during pleasure. It is easy to imagine that a chamber so constituted, and consisting to a considerable extent of men holding provincial offices of emolument, under the government, can very inadequately body forth the full-orbed dignity of the peers temporal and spiritual of the father-land. The pressure from without on a body so constituted must be expected to be irresistible. In addition to this, in some cases the members of the legislative council receive a daily stipend for their attendance on their parliamentary duties, and this under a provincial act of only temporary duration, and to the continuation of which they must be beholden to the popular branch of the legislature. It is not easy to imagine an expedient better calculated to weaken the influence, even where it fails to affect the independence, of the body whose members are thus dependent on the representatives of the people.

III. But if the representatives of the Crown and of the peerage fall short, it is very different with the third branch; the powers exercised by the House of Assembly fully equal, and in some respects greatly exceed those of the Commons of England. Without the check of an hereditary peerage, and the representative of the crown,

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being such as we have described, the House of Assembly, in fact, absorbs the whole real power in the colony, and there is nothing to withstand the popular will except the interposition of the imperial government which has become (and is every year becoming more) infrequent. The North American Colonies, familiarly known by the name of the Canadas, consist of five separate dependencies, each under a distinct civil government quite independent of, and unconnected with, the rest, viz., Canada, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland. In all of these, until lately, and in nearly all at the present day, the most important functions of a government, in addition to the legitimate duties of the House of Commons, are discharged, *directly*, by the Assembly. This will be manifest when we consider what are, and what are not, the duties proper to a colonial government. These, of course, differ very materially from those of a metropolitan government. A colony has no question of peace or war to determine, and no foreign diplomacy to conduct. The duties of its government are principally threefold. First, The appointment to offices; secondly, The internal superintendence of affairs; and thirdly, The determining the amount and application of supplies necessary for the service of the colony, and the ways and means by which

they shall be raised. In all countries, the last is the most important duty of the civil administration, as in this the working of the whole machinery is involved. In a colony it is *the* main business. Now in all the North American Colonies, until lately, and in all now, we believe, except one, the ways and means are determined upon, not by the Governor and the Executive Council, but in Committee of the House of Assembly, where any member proposes any duty to be levied on any article that he thinks proper. So again, the disbursements for the service of the colony, (except such as are fixed by legislative enactments,) as for roads, bridges, education, &c., &c., are determined on by committees of the House,—not according to any settled or adjusted plan submitted by a responsible minister, but according to the judgment or caprice of a body wholly irresponsible except at the hustings. Pecuniary claimants on the justice or benevolence of the province, make their application not to the Governor and Council, but direct to the legislature by petitions, which are presented by any member whether belonging to the government or not. These petitions are severally discussed and debated in committee of supply on their individual merits. There is no doubt theoretically a check in the Legislative Council, where, as in some colonies is the case, the

various appropriations are submitted in detail for its approbation or refusal; but though on occasions they exercise, and with advantage, the power of rejection, yet, as may readily be supposed from the nature and constitution of the body, its control is on the whole rather nominal than real; not largely employed, nor long persevered in, in any instance where the popular will is strongly manifested. The total want of system which must flow from such a mode of supply and appropriation may be readily imagined.

It is also to be remembered that the legislative counsellors, the colonial peers, are appointed on the recommendation of the Governor acting under the advice of his executive council, and that the tenure of power of the executive council depends on their representing the opinions of a majority of the House of Assembly; that the members of the legislative council may be increased from time to time, and that such increase will of course be regulated by the representation of the local government. Thus in effect the House of Assembly appoints to, and regulates in an important particular, that branch of the legislature which is supposed to be its counterpoise in the colonial constitution.

The constitution, therefore, on the whole, so far from being English, presents to view a democracy more unmitigated than in any of the

neighbouring confederated states. There the second branch, the senate, is a substantial power wholly independent of the House of Representatives. In the federal government the authority and influence of the senate is scarcely, if at all, inferior to that of the House of Lords, though differently derived. In the colonies, moreover, the responsibility of government, so much vaunted, when the subject is closely considered, is found to be equally fallacious with the analogy of the three several branches of the legislature. It is true, that on a vote of want of confidence the executive council must resign, and some three or four colonial offices change hands; but considering the comparatively insignificant share of the governing power that the so called government exercises, and that the House of Assembly trusts the most important part of it to no ministry whatever, but retains it in its own grasp, the term Responsible Government would seem to be a happy irony, intending to express a system in which there is *nothing to be responsible for*.

In the new constitution given to Canada, on the union of the two provinces, much of this has been changed, but Canada presents its own peculiar difficulties, and the experience of the last few years has shown that there is a radical vice in its framework. That state of

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things which Lord Durham declared, would never be tolerated, the predominance of the French in the councils of the country has arisen, and the ministry of Lafontaine, receives the support of the Imperial Government. The consequence has been dissatisfaction and disgust on the part of the British portion of the population, who find themselves not only destitute of influence, but subjected to the tyranny of a majority consisting mainly of a people of whom neither the principles nor intelligence command respect. The consequence has been, the rapid alienation of the affections of those who were the staunchest supporters of British connexion, while the same effect is being more gradually produced in the adjoining colonies from the changes in the commercial system, by which their industry has been for the time frustrated. Without the least desire to exaggerate, it may be affirmed that there are sure grounds for believing that the change already produced is much greater than is at all generally imagined in this country. Events in the present day travel fast. Revolutions in Europe are the work of a few hours. The distance of the colonies, the small interest felt in them except by a few, and the want of information which prevails, prevent their affairs from attracting much public attention. Any one who has been a careful observer of the events passing

on the other side of the water, and has paid attention to the altered tone of the provincial prints, must be fully aware how serious an aspect the question has assumed.

Since the foregoing remarks were begun, we have been astounded at the intelligence just received from Canada, of the passing of the Bill for the payment of the rebellion losses, and the consequent demolition of the House of Parliament by an infuriate populace. It speaks trumpet-tongued in the name of the whole colonial empire. Can we retain the Canadas? and if we lose them, what effect will be produced on our other dependencies?

We believe that if ever there was occasion for the talent, and judgment, of a great statesman it is the present. Our whole colonial system is vicious, and requires to be reconstructed from the foundation.

Planted or occupied with various views, and under widely differing circumstances, they have been trained up from infancy to more or less of maturity with one obvious destination for them all, that they shall, when strong enough, cast off all connexion with the mother-country. We have fostered their commerce, protected them with our blood and treasure, and all for what? That when they become valuable and important they should cease to belong to us. They contain

thousands and millions of subjects who regard England with sentiments of pride and attachment, whose best affections are identified with her glory and renown; but we impose on them the inevitable doom of separation at no very distant day. This is eminently the consequence of the principles on which they are governed. Responsible Government (so called) and Free Trade, alike point to independence. It may or may not be that these countries may become more prosperous under a system of Free Trade; that is a question with which I seek not to intermeddle; the present question is, whether they will or can remain colonies, when the ties by which they have been hitherto united to this country have been one after another dissevered. As well might we expect the regularity of the solar system to be preserved, were the principle of gravitation annihilated, as that these countries should long remain dependencies under the existing state of things. Something must be done, and that without delay, or the boasted empire on which the sun never sets, will in a short time be contracted within much more modest limits.

That there are great difficulties in the subject there is no doubt, and it has been my object to draw the attention of the public to the true state of the case, rather than to point out the remedy.

This must be for the wisdom of ministers to discover, and its *nodus vindice dignus*. I presume, however, to make a few suggestions.

Two grand errors lie at the root of our whole colonial policy. First, it has ever been defective in provisions to perpetuate in the colonies the institutions and habits of the mother-country. Secondly, it has failed to interweave and identify the interests of the colonists with those of the parent state.

The framework of English society comprises much of the aristocratic element, that of the colonies is essentially democratic. Here is one great difference, and others will readily suggest themselves. But even a similarity of institutions, if it existed, would not be enough, the great and radical defect is that there is nothing to identify the colonist with the fatherland. His attachment is that of sentiment, rather than interest. There is no vital union. The native of a colony feels that he is merely a colonist, and so to continue. He may be a colonial lawyer, physician, or even divine, or he may become the member of a colonial legislature. He may be respected in the colony. But his colonial rank in the professions will give him no status as an Englishman in England. His lot is cast as a colonist, and so must for ever remain. So also, whatever parliamentary talents he may

profess or fancy himself master of, there is no field for him beyond the limited sphere of his own province. He feels himself, in fact, shut out from all the great prizes of the empire, and must content himself with the insignificant objects of attraction his particular colony affords, and even these have not always been confined to the colonists.

Again, if a native of one of the three kingdoms goes to a colony, and there establishes himself, he feels that he is to spend his days there, and makes up his mind to consider himself cut off from the land of his birth. Now, if the maintenance of the colonial dominion be essential to her greatness in order that it should be permanent, Great Britain must identify herself with her colonies. They must become, what they certainly are not now, integral parts of one great empire. An uninterrupted circulation between the heart and the extremities, and pervading the whole system, must be in active operation. This will elevate the colonies, and cause them to be viewed both at home and abroad in a very different light from that in which they have been hitherto regarded. The colonist will no longer feel himself "cabined, cribbed, confined," within a narrow limit, doomed to a perpetual isolation by an impassable barrier; the natural yearnings and aspirations of his mind will be only bounded

by the limits of the empire. On the other hand, with what different eyes would families in this country regard the departure of a son to seek his fortune abroad; when it was known that he was not necessarily to undergo a sentence of perpetual banishment and proscription, but might look forward with hope at a future day, if he succeeded in distinguishing himself, to claim the station to which his talents might entitle him in the land of his nativity. This would do much to improve the tone and spirit of the colonies, and furnish an attraction to more respectable classes of settlers, who now betake themselves to a foreign land. The capital which now flows principally towards the United States, while a flood of pauperism is let loose on our impoverished colonies, would then enrich the proper soil. Improvement would rapidly result, and we should cease to be mortified, as we now are continually, by the disparaging comparison so frequently drawn between the condition of British provinces and their republican rivals.

The colonies should be represented in the British parliament. The rule of the colonial office is virtually at an end. It is effete, and can never be revived. A colonial board has been talked of; this would be much better, inasmuch, as experience and information would be preserved and transmitted. The affairs of forty-

three colonies, ought not to depend on the infinitesimal amount of attention and control, which a secretary of state who has never visited one of them, may be able to bestow on each, or, as is more usual, to the management of an irresponsible clerk. Neither must the colonies be left to themselves; the government of those of North America, we have shown to be a democracy. And a democracy in the colonies, and monarchy at home, will not long consist. This will be looked on by many as flat heresy. From Mr. Gladstone to Joseph Hume politicians of various shades of opinion seem to think that the grand cure for all ill is to leave the colonies to themselves. This is the parliamentary delusion. But though a Board is free from many objections to which this rule of the Colonial Office is obnoxious,—nothing will make up for the want of parliamentary representation. If that be conceded, the Government would have a right, as a condition, to transfer to the imperial parliament the whole regulation of trade, leaving to the colony only the management of its own internal affairs, to such extent, and by such institutions, as on consideration might be deemed fit.

The world has beheld in the triumph of steam, the solution of the great difficulty of colonial representation. Quebec and Halifax are now

virtually not more distant from Westminster, than the Edinburgh or Dublin of the last century. There is in the nature of things no reason why a half million of subjects should have the absolute regulation of their own commerce, because they are scattered over a large space in America, any more than the same number of subjects residing in Liverpool or Glasgow. In order to accomplish and give effect to a great measure for the consolidation of the empire, the colonies must be prepared, if the opportunity is afforded, to embrace it in the spirit of confidence. They are unworthy of the privileges of British subjects, if they be not willing, for the perpetuation of their union with this great country, to give up something on their part, and to share the burthen which their fellow subjects sustain. There would be no disposition to make it press too heavily on them, and it is confidently believed they would not shrink from a reasonable participation of the onus in view of the benefits to be obtained.

The present state of the North American Colonies, after the discussions which have already taken place during the present session, must necessarily force on the attention of ministers the whole subject of our colonial rule. Whether Government will be prepared to announce a large and comprehensive plan for their future regulation, or will recommend a parliamentary com-

mittee, or a new commission of inquiry, remains to be seen. The whole subject should be probed to the bottom. It is not enough to deal with the present and peculiar difficulty of Canada, the whole colonial question must be reinvestigated. It should be dealt with in a large and statesman-like spirit, with not merely a full understanding of the commercial and financial details of the question, but with a just appreciation of those springs of action which operate on mankind in all ages and countries, and by which the affections and aspirations of men are conciliated and directed; otherwise, however the present disturbance in one of our colonies may terminate, we may surely look forward, and that at no distant day, to the dismemberment of the empire.

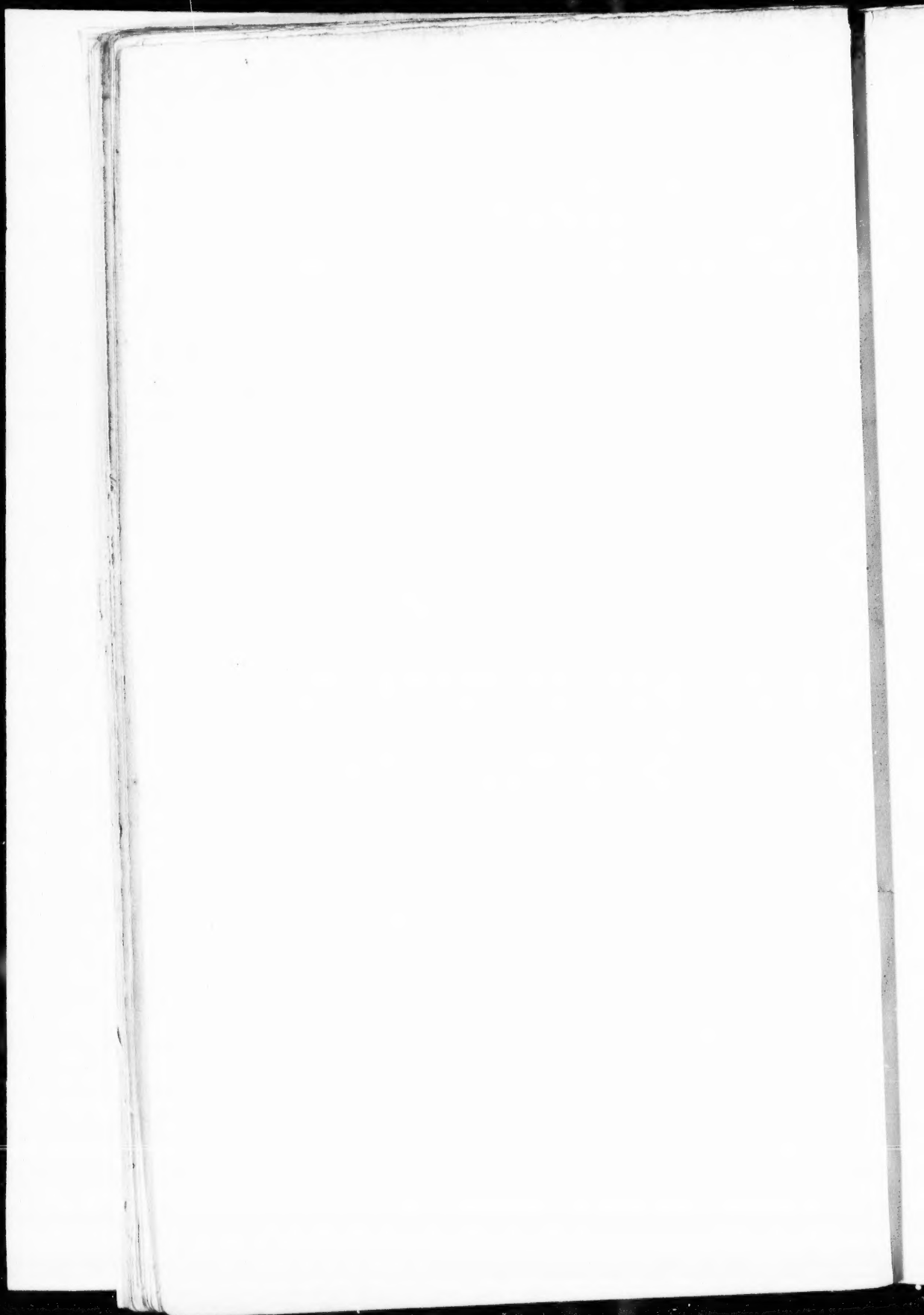
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